

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:22-cv-00267-MR-WCM

BEARWATERS BREWING COMPANY, )

Plaintiff, )

v. )

PATTON, MORGAN & CLARK  
INSURANCE AGENCY, INC., )

Defendant. )

**ORDER**

This matter is before the Court on a Motion to Compel (the “Motion,” Doc. 26) filed by Defendant Patton, Morgan & Clark Insurance Agency, Inc. which seeks an Order compelling Plaintiff to provide supplemental answers and responses to certain written discovery requests.

During a hearing that was conducted on the Motion on April 23, 2024, Plaintiff’s counsel represented that Plaintiff did not oppose the relief being requested. Following the hearing, the undersigned ruled orally on the Motion. This Order memorializes that ruling.

Defendant’s Motion to Compel (Doc. 26) is **GRANTED** and Plaintiff is **DIRECTED TO SERVE** supplemental answers and responses to Defendant’s Interrogatories 4 and 6, and Requests for Production 3, 7, 11, and 12 on or before **April 30, 2024**.

Defense counsel stated that Defendant is not seeking its reasonable expenses associated with the Motion pursuant to Rule 37 of the Federal Rules of Civil Procedure and the Court finds that, at this time, such an award should not be made. However, the Court will, in its discretion, **HOLD IN ABEYANCE** the question of whether such an award should be issued pending Plaintiff's forthcoming supplemental production. Specifically, should Plaintiff fail to serve its supplemental answers and responses by April 30, 2024 as directed herein, Defendant may seek an award of its reasonable expenses associated with the Motion to Compel, by way of separate motion.

It is so ordered.

Signed: April 23, 2024



W. Carleton Metcalf  
United States Magistrate Judge

